

CUSTOMER NO.: 38107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------------------------|---|---------------------|
| In re application of: |) | Examiner: N. LAVERT |
| J. RUSSELL, et al. |) | |
| Serial No.: 10/597,079 |) | Art Unit: 4123 |
| Filed: July 11, 2006 |) | Confirmation: 6955 |
| For: ADAPTIVE |) | |
| PHYSIOLOGICAL |) | |
| MONITORING SYSTEM |) | |
| AND METHODS OF USING |) | |
| SAME |) | |
| Date of Last Office Action: |) | |
| May 8, 2008 |) | |
| Attorney Docket No.: |) | Cleveland, OH 44114 |
| PHUS040020US2 / PKRZ 2 01268 |) | May 28, 2008 |

AMENDMENT B & ELECTION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is responsive to the non-final Office Action of
May 8, 2008.

Amendments to the claims are reflected in the listing of claims which
begins on page 2.

Remarks and Election begin on page 11.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this **AMENDMENT B & ELECTION** is being filed on the date indicated below by electronic transmission with
the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

May 29, 2008
Date

Patricia A. Heim
Patricia A. Heim

DEPOSIT ACCOUNT

The Patent Office is authorized to charge any fees associated with this filing to our deposit account no. 14-1270

Thomas M. Lundin
Thomas M. Lundin, Reg. No. 48,979